

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JAMY ENTERPRISES, LLC, a New Jersey Corporation, : Civil Action No. 06-cv-5667 (PGS)

Plaintiff, :

v. :

ORDER

E&S FOOD SERVICE CORP., a New York Corporation, :

Defendant :

E&S FOOD SERVICE CORP., a New York Corporation, :

Third-Party Plaintiff, :

v. :

JEFFREY LEHMANN, a New Jersey resident, and LEHMANN COLORADO CORP., a New Jersey Corporation, :

Third-Party Defendants. :

This matter having been opened to the Court on cross-motions for summary judgment, and the Court having considered the briefs and oral arguments of the parties, and for the reasons set forth in the record on December 8, 2008, and for good cause having been shown,

IT IS on this 8th day of December, 2008,

ORDERED that the Plaintiff's and Third-Party Defendants' motion for summary judgment

is denied; it is further

ORDERED that the Defendant/Third-Party Plaintiff's cross-motion for summary judgment is denied; it is further

ORDERED that all motions *in limine* in this matter be submitted by January 20, 2009; it is further

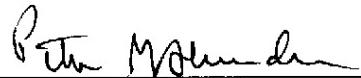
ORDERED that all replies to the motions *in limine* be submitted by February 2, 2009; it is further

ORDERED that a hearing on the motions *in limine* will be held on February 9, 2009 at 10:00 a.m.; it is further

ORDERED that a settlement conference and pre-marking of exhibits will take place on February 9, 2009 following argument on the motions *in limine*; it is further

ORDERED that trial in this matter will take place on February 17, 2009 at 10:00 a.m.

December 8, 2008



PETER G. SHERIDAN, U.S.D.J.